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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/532,483	12/13/1999	Freeland Abbott	ATV-007	6737
21323	7590	10/27/2003	EXAMINER [REDACTED]	SALAD, ABDULLAHI ELMU
TESTA, HURWITZ & THIBEAULT, LLP HIGH STREET TOWER 125 HIGH STREET BOSTON, MA 02110			ART UNIT [REDACTED]	PAPER NUMBER 2157
DATE MAILED: 10/27/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/532,483	Applicant(s) ABBOTT ET AL.
	Examiner Salad E Abdullahi	Art Unit 2157

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address.

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.

- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.

- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.

- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 28 July 2003.

2a) This action is **FINAL**.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1,3-8 and 12-19 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1,3-8 and 12-19 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:  
1. Certified copies of the priority documents have been received.  
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____. 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) 6) <input type="checkbox"/> Other: _____.
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***Response to Amendment***

1. Applicant's amendment filed on 7/28/2003 has been received and made of record.
2. Applicant's argument with regard to claims 1, 3-8 and 12-19 have been fully considered but they are moot in view of the new grounds of rejection.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1, 3-8 and 12-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Christie et al U.S. Patent No. 6,182,117 in view of Carson U.S. Patent No. 5,978,805.

As per claims 1, 16, 18 and 19, Christie et al discloses a system for transmitting content, comprising the steps of :

- identifying, by a first server agent running on a first computer in a computer system, at least a portion of a file for transmission to a second server agent running on a second computer in the computer system, the first, and second server agents each providing an interface between the computer system and the first and second computers respectively (identifying changes made to objects in local site's database) (see see figs. 3a and 3b and col. 3, lines 9-65 to col. 5, lines 13-20);

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- transmitting at least the portion of the file from the first web server agent to the second web server agent (see col. 5, lines 13-37); and
- storing, by the second web server agent, at least the portion of the transmitted file. (col. 6, lines 24-30 and col. 19, lines 21-27).

Christie is silent regarding: the portion of the file is less than the whole file.

Carson, in an analogous art discloses a system for synchronizing computer files from a source computer system to a destination system, including the step of transmitting a portion of a file where the file portion is less than entire file (see col. 1, lines 41 to col. 2, line 16). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention presented with the teaching of Christie to utilize the file synchronization mechanism as taught by Carson such that the file can be replicated faster, thus providing the efficient use of communication system.

Christie et al., and Carson, are silent regarding utilizing web service system for providing web pages.

Nonetheless, utilizing web services would have been an obvious modification to the system of Christie and Carson. In addition, Christie's system includes two sites where data is replicated between the two sites, such sites is known to include variety of different servers such as application servers, web servers and etc, hence utilizing web servers in Christie's system would have been an obvious modification because web servers would benefit replicating process taught by Christie, in order to efficiently replicate data from one particular web server to another web

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servers (see figs. 3a and 3b and col. 3, lines 9-65 to col. 5, lines 13-20). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to utilize web servers for the system Christie and Carson because web servers are standard means of communication with high performance, security, extensibility and they are scalable.

In considering claims 2 and 10, Christie et al., disclose a system, wherein the identifying step comprises identifying the entirety of the file (see col. 3, lines 9-65 to col. 5, lines 13-20); the transmitting step comprises transmitting the entirety of the file (see col. 5, lines 13-37); and the storing step comprises storing, by the second web server agent, the entirety of the transmitted file (col. 6, lines 24-30 and col. 19, lines 21-27).

In considering claims 3 and 11, Christie discloses a system further comprising the step of repeating the identifying, transmitting, and storing steps (see col. 3, lines 46 to col. 4, line 41).

In considering claim 4-5, and 12-13, Christie discloses a system, wherein the identifying step comprises the step of identifying a portion of the file that was not previously transmitted (see col. 3, lines 46 to col. 4, line 41).

In considering claims 6 and 14, Christie discloses a system, further comprising, before the

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identifying step, the step of executing a program (a script or batch) that operates on the file (see col. 3, lines 19-21).

In considering claims 7 and 15, Christie discloses a system, wherein the identifying step comprises identifying, by the first server agent, at least a portion of the file, which comprises a log file about user data to the server (see col. 6, lines 50-57).

In considering claim 8. The claim includes features discussed above with respect to claim 1, further reciting renaming first file with second name (see col. 3, lines 47-65, where Christie describes after naming an object or file with unique identifier (UID), any changes/ modification to the object is to renamed with second object identifier).

In considering claim 17. The claim includes features discussed above with respect to claim 1, further reciting: running a computer program, running, by the first site agent, transmitting the output of the computer program from the first web server agent to a second web server agent running on a second computer in the web service system and storing by the second web server agent, the computer program output (the first site running a replication agent or replicator which synchronizes database file and transmits output of the synchronization process to the second site for storage) (see col. 3, lines 9-46).

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5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

## **CONCLUSION**

6. The prior art made of record and relied upon is considered pertinent to the applicants disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Abdullahi E. Salad** whose telephone number is **(703) 308-8441**. The examiner can normally be reached on Monday to Friday from **8:30 AM to 5:00 PM**. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Etienne, Ario** can be reached at **(703)308-7562**. Any inquiry of a general nature or relating to the

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status of this application or proceeding should be directed to the receptionist whose telephone number is **(703)305-3900**.

**Any response to this action should mailed to:**

Box AF

Commissioner of Patents and Trademarks  
Washington, DC 20231

**or faxed to:**

**(703) 746-7238**, (after final communications)

**(703) 746-7239**, (Official communications)

**(703) 746-7240**, (Non-Official/Draft).

As

10/13/2003



ARIANE ETIENNE  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100